

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 1/31/2025
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HILARY BEST,	:	
	:	
Plaintiff,	:	1:21-cv-779-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
JAMES MERCHANT, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, United States District Judge:		


On December 6, 2024, the Court granted an extension of discovery for the limited purpose of allowing Plaintiff to depose the witnesses he listed on the record during the conference on that same day. Dkt. No. 194. Plaintiff was given until January 30, 2025 to complete these depositions. By letter dated January 21, 2025, Plaintiff raised concerns about the depositions of Defendant Negron and Defendant Merchant taken remotely on January 13, 2025. Dkt. No. 200. Plaintiff requested that the Court order Defendants “to produce and/or provide verifiable evidence of [the deponents’] incapacity to attend an in-person deposition, and that in failing to provide such evidence, that the remaining defendants, Mr. Merchant and Mr. Acosta, be required to appear for and attend in-person depositions.” *Id.* By letter dated January 27, 2025, counsel for Defendants responded to Plaintiff’s letter. Dkt. No. 204. By letter dated January 29, 2025, Plaintiff reiterated his concerns and raised a separate discovery issue, requesting that Defendants produce documents related to Defendant James Merchant’s disciplinary record with the New York City Department of Corrections. Dkt. No. 205.

The Court held a conference on the record on January 31, 2025. For the reasons stated on the record during the January 31, 2025 conference, Plaintiff’s request for additional document discovery is denied. For the reasons stated on the record during the January 31, 2025 conference,

Plaintiff's request for an extension of discovery for the limited purpose of completing the depositions of Defendants James Merchant and Steven Acosta is granted. The Court expects that Defendants' proposed motion to conduct these depositions remotely will be filed no later than February 14, 2025. Plaintiff's opposition is due no later than February 28, 2025. Defendants' reply, if any, is due no later than one week following the date of service of Plaintiff's opposition. The deadline for filing motions for summary judgment, set forth in the Court's December 6, 2024 order, Dkt. No. 194, is extended *sine die*. The conference scheduled for February 18, 2025 is adjourned *sine die*. The Court will set deadlines for the completion of the depositions and for post-discovery matters after resolution of Defendants' anticipated motion.

SO ORDERED.

Dated: January 31, 2025  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge